

FILED

2009 MAR 15 PM 4:00

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

DWAYNE NABORS,  
JASON WESTERFIELD,  
TYRON BROWN,  
JERRY MOTON,  
    aka Rob,  
DAMETRESE RANSAW,  
    aka Kefa Refa,  
ARRICO SPIRES,  
    aka Rico,  
CHARLES D. MATHEWS,  
    aka Chuck  
    aka Pooper,  
JAMES BURTON,  
    aka Uncle Wee Wee,  
ALBERT LEE, Jr.,  
    aka Ailee,  
NOEL MOTT,  
    aka M,  
JIM WILLIAMS,  
    aka Jay,  
LOWESTCO BALLARD,  
JOE H. WARD, III,  
JOHNIE R. PARKER,  
NOLAN LOVETT,  
JOSHAWA WEBB,  
MARLON L. BROOKS,

S U P E R S E D I N G  
I N D I C T M E N T

Judge JOHN R. ADAMS

CASE NO. 1:05CR537

Title 21, §846,  
United States Code  
Title 21, §§841(a)(1)  
(b)(1)(A), (b)(1)(B),  
and (b)(1)(C),  
United States Code  
Title 18, §§922(g)(1),  
and 924(a)(2),  
United States Code

EXHIBIT

9

-2-

JOHNNY ROBERTSON, )  
DANNY LEE BROWN, )  
FRANK DOUGLAS, )  
ROBERT HARRIS, III, )  
STAR SMITH, )  
Defendants. )

COUNT 1

The Grand Jury charges:

From in or about the Winter of 2004, to on or about November 8, 2005, the exact dates to the Grand Jury unknown, in the Northern District of Ohio, Eastern Division, and elsewhere, DWAYNE NABORS; JASON WESTERFIELD; TYRON BROWN; JERRY MOTON, aka Rob; DAMETRESE RANSAW, aka Kefa Refa; ARRICO SPIRES, aka Rico; CHARLES D. MATHEWS, aka Chuck, aka Pooper; JAMES BURTON, aka Uncle Wee Wee; ALBERT LEE, Jr., aka Ailee; NOEL MOTT, aka M; JIM WILLIAMS, aka Jay; LOWESTCO BALLARD; JOE H. WARD, III; JOHNNIE R. PARKER; NOLAN LOVETT; JOSHAWA WEBB; MARLON L. BROOKS; JOHNNY ROBERTSON; DANNY LEE BROWN; FRANK DOUGLAS; ROBERT HARRIS, III; STAR SMITH, and others known and unknown to the Grand Jury, did unlawfully, knowingly, and intentionally combine, conspire, confederate, and agree together and with other persons, both known and unknown to the Grand Jury, to commit an offense against the United States of America, to wit: to possess with intent to distribute and to distribute fifty (50) grams or more of a mixture or substance containing a detectable amount of cocaine

-3-

base (crack), a Schedule II narcotic controlled substance in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and to possess with intent to distribute and to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

OVERT ACTS

In furtherance of the conspiracy and to effect the objectives thereof, the defendants and others performed overt acts not limited to the following acts as set forth in Counts 2 through 52, incorporated herein by reference.

All in violation of Title 21, United States Code, Section 846.

COUNTS 2-22

The Grand Jury further charges:

On or about the dates specified in Counts 2 through 22, in the Northern District of Ohio, Eastern Division, the defendants named in Counts 2 through 22 did knowingly and intentionally distribute five grams or more of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II narcotic drug controlled substance.

-4-

<u>Count</u>	<u>Defendant(s)</u>	<u>Date</u>
2	JERRY MOTON, aka Rob	February 10, 2005
3	TYRON BROWN, JASON WESTERFIELD	February 15, 2005
4	DAMETRESE RANSAW, aka Kefa Refa	March 4, 2005
5	TYRON BROWN, JASON WESTERFIELD	March 12, 2005
6	JASON WESTERFIELD	March 15, 2005
7	TYRON BROWN, FRANK DOUGLAS	March 17, 2005
8	DAMETRESE RANSAW, aka Kefa Refa	March 22, 2005
9	JERRY MOTON, aka Rob	May 10, 2005
10	ARRICO SPIRES, aka Rico	July 1, 2005
11	ARRICO SPIRES, aka Rico	July 11, 2005
12	CHARLES D. MATHEWS, aka Chuck, aka Pooper	July 13, 2005
13	CHARLES D. MATHEWS, aka Chuck, aka Pooper	July 15, 2005
14	ALBERT LEE, Jr., aka Ailee	August 1, 2005
15	NOEL MOTT, aka M, JIM WILLIAMS, aka Jay	September 6, 2005

---

-5-

<u>Count</u>	<u>Defendant(s)</u>	<u>Date</u>
16	JOE H. WARD, III JOHNIE R. PARKER	September 13, 2005
17	TYRON BROWN	September 13, 2005
18	ALBERT LEE, Jr., aka Ailee	September 15, 2005
19	JAMES BURTON, aka Uncle Wee Wee	September 27, 2005
20	JAMES BURTON, aka Uncle Wee Wee	September 29, 2005
21	JOHNNY ROBERTSON ROBERT HARRIS, III	October 11, 2005
22	DANNY LEE BROWN FRANK DOUGLAS	November 8, 2005

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), and Title 18, United States Code, Section 2.

COUNTS 23-27

The Grand Jury further charges:

On or about the dates stated in Counts 23 through 27, in the Northern District of Ohio, Eastern Division, the defendants named in Counts 23 through 27 did knowingly and intentionally distribute 50 grams or more of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II narcotic drug controlled substance.

-6-

<u>Count</u>	<u>Defendant(s)</u>	<u>Date</u>
23	LOWESTCC BALLARD	September 9, 2005
24	NOEL MOTT, aka M	September 15, 2005
25	DWAYNE NABORS TYRON BROWN ALBERT LEE, Jr., aka Ailee, JAMES BURTON, aka Uncle Wee Wee	September 20, 2005
26	JOSHAWA WEBB	October 14, 2005
27	NOLAN LOVETT	October 27, 2005

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT 28

The Grand Jury further charges:

On or about March 22, 2005, in the Northern District of Ohio, Eastern Division, DAMETRESE RANSAW, aka Kefa Refa and MARLON L. BROOKS did knowingly and intentionally possess with the intent to distribute five grams or more of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II narcotic drug controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

-7-

COUNT 29

The Grand Jury further charges:

On or about March 22, 2005, in the Northern District of Ohio, Eastern Division, DAMETRESE RANSAW, aka Kefa Refa and MARLON L. BROOKS did knowingly and intentionally possess with the intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II narcotic drug controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 30

The Grand Jury further charges:

On or about April 25, 2005, in the Northern District of Ohio, Eastern Division, JASON WESTERFIELD did knowingly and intentionally possess with the intent to distribute five grams or more of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II narcotic drug controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

-8-

COUNT 31

The Grand Jury further charges:

On or about April 25, 2005, in the Northern District of Ohio, Eastern Division, JASON WESTERFIELD did knowingly and intentionally possess with the intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II narcotic drug controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 32

The Grand Jury further charges:

On or about May 11, 2005, in the Northern District of Ohio, Eastern Division, JERRY MOTON, aka Rob, did knowingly and intentionally possess with the intent to distribute five grams or more of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II narcotic drug controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 33

The Grand Jury further charges:

On or about May 11, 2005, in the Northern District of Ohio, Eastern Division, JERRY MOTON, aka Rob, did knowingly and intentionally possess with the intent to distribute a mixture or

---

-9-

substance containing a detectable amount of cocaine, a Schedule II narcotic drug controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 34

The Grand Jury further charges:

On or about July 25, 2005, in the Northern District of Ohio, Eastern Division, and elsewhere, ALBERT LEE, Jr., aka Ailee, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II narcotic drug controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 35

The Grand Jury further charges:

On or about September 20, 2005, in the Northern District of Ohio, Eastern Division, and elsewhere, DWAYNE NABORS, TYRON BROWN, ALBERT LEE, Jr., aka Ailee, and JAMES BURTON, aka Uncle Wee Wee, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II narcotic drug controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C) and Title 18, United States Code, Section 2.

---

-10-

COUNT 36

The Grand Jury further charges:

On or about November 2, 2005, in the Northern District of Ohio, Eastern Division, JAMES BURTON, aka Uncle Wee Wee, and STAR SMITH did knowingly and intentionally possess with the intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II narcotic drug controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A) and Title 18, United States Code, Section 2.

COUNT 37

The Grand Jury further charges:

On or about November 2, 2005, in the Northern District of Ohio, Eastern Division, JAMES BURTON, aka Uncle Wee Wee, and STAR SMITH did knowingly and intentionally possess with the intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II narcotic drug controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C) and Title 18, United States Code, Section 2.

---

-11-

COUNTS 38-52

The Grand Jury further charges:

On or about the dates specified in Counts 38 through 52, in the Northern District of Ohio, Eastern Division, the defendants named in Counts 38 through 52 did distribute a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), within 1,000 feet of a school facility, as specified in Counts 38 through 52.

<u>Count</u>	<u>Defendant(s)</u>	<u>Date</u>	<u>School</u> <sup>1</sup>
38	JERRY MOTON, aka Rob	February 10, 2005	Hedges Elementary
39	TYRON BROWN JASON WESTERFIELD	February 15, 2005	Simpson Middle
40	DAMETRESE RANSAW, aka Kefa Refa	March 4, 2005	Mansfield Sr. High
41	TYRON BROWN JASON WESTERFIELD	March 12, 2005	Simpson Middle
42	JERRY MOTON, aka Rob	May 10, 2005	Hedges Elementary

---

<sup>1</sup> The complete names and locations of the schools are:  
Hedges Elementary School, 176 Hedges Street, Mansfield, Ohio.  
John Todd Park, 591 Johns Avenue, Mansfield, Ohio.  
Madison High School, 690 Ashland Road, Mansfield, Ohio.  
Mansfield High School, 124 North Linden Road, Mansfield, Ohio.  
Ocie Hill Youth Center, 445 Bowman Street, Mansfield, Ohio.  
Simpson Middle School, 218 West 4<sup>th</sup> Street, Mansfield, Ohio.

-12-

<u>Count</u>	<u>Defendant(s)</u>	<u>Date</u>	<u>School</u>
43	ARRICO SPIRES, aka Rico	July 1, 2005	Ocie Hill Center
44	CHARLES D. MATHEWS aka Chuck, aka Pooper	July 13, 2005	John Todd Park
45	CHARLES D. MATHEWS aka Chuck, aka Pooper	July 15, 2005	John Todd Park
46	ALBERT LEE, Jr. aka Ailee	July 25, 2005	Hedges Elementary
47	ALBERT LEE, Jr. aka Ailee	August 1, 2005	Hedges Elementary
48	LOWESTCO BALLARD	September 9, 2005	Madison High
49	JOE H. WARD, III, JOHNIE R. PARKER	September 13, 2005	Hedges Elementary
50	ALBERT LEE, Jr., aka Ailee	September 15, 2005	Hedges Elementary
51	JOHNNY ROBERTSON ROBERT HARRIS, III	October 11, 2005	Hedges Elementary
52	DANNY LEE BROWN, FRANK DOUGLAS	November 8, 2005	Ocie Hill Center

All in violation of Title 21, United States Code,  
Section 860, and Title 18, United States Code, Section 2.

COUNT 53

The Grand Jury further charges:

On or about March 12, 2005, in the Northern District of Ohio, TYRON BROWN, having been convicted of crimes punishable by imprisonment for a term exceeding one year; those are, on July 24, 1997, TYRON BROWN was convicted of Burglary in the Richland

-13-

County Common Pleas Court, Ohio, Case No. 97CR82-D; and on June 2, 1999, TYRON BROWN was convicted of Receiving Stolen Property, in the Richland County Common Pleas Court, Ohio, Case No. 97CR 185-D, did knowingly possess a firearm, to wit: a Smith and Wesson, .38 caliber revolver, Serial No. C159176, which had been shipped and transported in interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 54

The Grand Jury further charges:

On or about November 2, 2005, in the Northern District of Ohio, JAMES BURTON, having been convicted of crimes punishable by imprisonment for a term exceeding one year; those are, on or about March 18, 1991, JAMES BURTON was convicted in the Circuit Court of Michigan (31st Circuit) of Felony Controlled Substance Delivery or Manufacture; and on or about January 1, 2001, JAMES BURTON was convicted in the Circuit Court of Michigan (3rd Circuit Court) of Felony Controlled Substance Delivery or Manufacture, did knowingly possess firearms, to wit: a Glock, 9mm semi-automatic pistol, Serial No. AUY174, and a Smith and Wesson, .38 caliber revolver, Serial No. V414821, which had been shipped and transported in interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

---

-14-

COUNT 55

The Grand Jury further charges:

On or about November 10, 2005, in the Northern District of Ohio, DWAYNE NABORS, having been convicted of crimes punishable by imprisonment for a term exceeding one year; those being, on January 7, 1993, DWAYNE NABORS was convicted of Drug Abuse in the Richland County Common Pleas Court, Ohio, Case No. 91-CR-532; and on January 7, 1993, DWAYNE NABORS was convicted of Drug Abuse in the Richland County Common Pleas Court, Ohio, Case No. 92-CR-516, did knowingly possess a firearm, to wit: an Intratech, 9mm semi-automatic pistol, Serial No. P163965, which had been shipped and transported in interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g) and 924(a)(2).

FORFEITURE

The Grand Jury further charges:

For the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853, the allegations of Count 1 through Count 52 are incorporated herein by reference. As a result of the foregoing offense, defendants shall forfeit to the United States any and all property constituting, or derived from, any proceeds they obtained, directly or indirectly, as the result of such violations; and any and all of their property used or

---

-15-

intended to be used, in any manner or part, to commit or to facilitate the commission of such violations.

Substitute Assets: In the event that any property subject to forfeiture pursuant to Title 21, United States Code, Section 853, as a result of any act or omission of the defendants:

1. cannot be located upon exercise of due diligence;
2. has been transferred or sold to, or deposited with a third party;
3. has been placed beyond the jurisdiction of this Court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants, up to an amount equivalent to the value of the property forfeitable under Section 853.

A TRUE BILL.

Original document - - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.

---